

THE MARRIAGE INSTITUTION

415

to tell what it means. The church, however, by its policy, contributed greatly to the development of the nobler conception of marriage in modern mores. The materialistic view of it has been left decently covered, and the conception of wedlock as a fusion of two lives and interests into affectionate cooperation, by the sympathy of character and tastes, has become the ideal. The church did much to bring about this change. For an age which attributed a vague and awful efficacy to a "sacrament" and was familiar, in church matters, with such parallelisms as that alleged between marriage and the union of Christ with his church, it is very probable that the church "fostered a feeling that a lifelong union of one man and one woman is, under all circumstances, the single form of intercourse between the sexes which is not illegitimate ; and this conviction has acquired the force of a primal moral intuition." What has chiefly aided this effect has been the rise to wealth and civil power of the middle class of the later Middle Ages, in whose mores such views had become fixed without much direct church influence.

436. The decrees of Trent about marriage. It was not until the decrees of Trent (1563) that the church established in its law the sacerdotal theory of marriage in place of the theory of the canon law. The motive at Trent was to prevent clandestine marriages, that is, marriages which were not made by a priest or in church. These marriages were common and they were mischievous because not to be proved. They made descent and inheritance uncertain when the parties belonged to families of property and rank. In form, the decrees of Trent provided

for publicity. Marriage was to be celebrated in church, by the parish priest, and before two witnesses. This action was not in pursuance of a change in the mores. It was a specific device of leading churchmen to accomplish an object. In view of the course of the mores, it may be doubted if any effect ought to be attributed to the decrees of Trent for their immediate purpose, but two effects have been produced which the churchmen probably did not foresee. First, it became the law of the church that the consent of a man and a woman, expressed in a church before

¹ Lecky, *Eur. Morals*, II, 347.